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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,670	03/26/2004	James Scott Hacci		7823

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LAW OFFICE OF DALE B. HALLING, LLC
655 SOUTHPOINTE COURT, SUITE 100
COLORADO SPRINGS, CO 80906

EXAMINER

GRANT, ROBERT J

ART UNIT	PAPER NUMBER
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2838

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/809,670

Applicant(s)

HACSI, JAMES SCOTT

Examiner

Robert Grant

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 10-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,2 and 10-16 is/are rejected.
7) ☒ Claim(s) 14 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 14 is objected to because of the following informalities: The Claim appears to read that both the switches are a single semiconductor device. The examiner believes that this a typographical error, being that claim 14 corresponds to the canceled claim 6, which recited that each of the switches comprise a semiconductor device. Therefore, to speed up the examination process, the examiner interpreted the claim as being two separate semiconductor switches. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

3. Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 10 states that the capacitor is electrically in parallel with the electrical storage device. According to the Figure and description of the circuit, the only time that the electrical energy storage device is in parallel with the capacitor, is when both SW1 and SW2 are closed. By applicants own admission, see specification page 6, paragraph 2, the second sentence, having both switch closed at the same time would cause a destructive current to flow. Therefore, the device, as described in the specification,

would be destroyed anytime it read on the claimed invention. The examiner further points to the MPEP 2164.08(b) Inoperative subject matter.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Dougherty et al. (US 6,452,361).

As to Claim 1, Dougherty discloses a method for energizing an electric energy storage device to a high electric potential with electric energy supplied by an electric power source, comprising the steps of: (a) isolating in electrical terms said de-energized electric energy storage device from said electric power source (Column 3, lines 66-67), and (b) energizing a capacitive device with a predetermined value of capacitance with electric energy supplied by said electric power source until said capacitor is energized to a voltage equal to the voltage of the electric power source to stop electric current from flowing(column 4, lines 40-43), and (c) isolating energized said capacitive device from said electric power source (column 4, lines 15-31) , and (d) allowing energized said capacitive device to de-energize through, and supply electric energy to, said electric energy storage device, thus describing an energizing cycle

(column 4, lines 43-46), and (e) repeating said energizing cycle until said electric energy storage device is fully energized with electric energy supplied by said electric power source which is temporarily stored during each said energizing cycle by said capacitive device, whereby electric energy is supplied safely, effectively, and efficiently by said electric power source to energize said electric energy storage device with said capacitive device acting during each said energizing cycle to prevent excessive electric current from flowing at any time (Column 4, lines 1-14) (According to the "Guide to Electronic Measurements and Laboratory Practice", any real inductor has a small voltage drop between neighboring coils, and thus a capacitive effect exists, and therefore it is inherently a capacitive device (Chapter 7, page 203, second paragraph).

3. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Chan et al. (US 6,611,166).

Chan discloses a method for de-energizing an electric energy storage device from a high electric potential, comprising the steps of: (a) partially de-energizing said electric energy storage device to a capacitive device with a predetermined value of capacitance through said electrical load device with electric energy supplied by said electric energy storage device until said capacitive device is energized to a voltage equal to the voltage of the said electric energy storage device to stop electric current from flowing (Figure 3, elements 200, 202), and (b) isolating energized said capacitive device from said electric energy storage device (Element 202), and (c) completely de-energizing said capacitive device in the opposite direction in electrical terms through

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said electrical load device, thus describing a de-energizing cycle (column 3, lines 37-43), and (d) repeating said de-energizing cycle until said electric energy storage device is completely de-energized or until the need to supply electric energy to said electrical load device with electric energy temporarily stored by said capacitive device during each said de-energizing cycle ceases, whereby electric energy is safely, effectively, and efficiently supplied by said electric energy storage device to said electrical load device with said capacitive device acting during each said de-energizing cycle to prevent excessive electric current from flowing at any time (column 4, lines 20-35). (According to the "Guide to Electronic Measurements and Laboratory Practice", any real inductor has a small voltage drop between neighboring coils, and thus a capacitive effect exists, and therefore it is inherently a capacitive device (Chapter 7, page 203, second paragraph).

4. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Koga (US 6,268,710).

As to Claim 10, Koga discloses a circuit for energizing an electrical energy storage device, comprising: an electrical energy storage device (Figure 1, element Cell 1N...); a capacitor electrically in parallel with the electrical energy storage device (element 3); a first switch connecting the electrical energy device to the capacitor (element 2); an electrical power source electrically in parallel with the capacitor (element 11); and a second switch in series with the electrical power source (element sw2).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koga in view of Grunert et al. (US 4,691,180).

As to Claim 11, Koga discloses the circuit of claim 10. Koga does not disclose wherein said first means for preventing electric current flow and said second means for preventing electric current flow are each comprised of a manually operated mechanical switch. Grunert discloses an electromagnetic circuit breaker, which can be manually operated to prevent electric current flow (Figure 1). It would have been obvious to a person having ordinary skill in the art at the time of this invention to use an electromagnetic circuit breaker in order to prevent damage from occurring due to excessively high current.

As to Claim 12, Koga discloses the circuit of claim 10. Koga does not disclose wherein said first means for preventing electric current flow and said second means for preventing electric current flow are each comprised of a mechanical switch activated by

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an electromagnet. Grunert discloses an electromagnetic circuit breaker, which can be manually operated to prevent electric current flow (Figure 1). It would have been obvious to a person having ordinary skill in the art at the time of this invention to use an electromagnetic circuit breaker in order to prevent damage from occurring due to excessively high current.

7. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koga in view of Chan et al..

As to Claim 13, which is dependent upon claim 10, Koga does not expressly disclose the switches are semiconductors. Chan discloses the first switch and the second switch are semiconductor devices and are electronically controlled (Figure 3, element 302, Column 5, lines 58-59). It would have been obvious to one of ordinary skill in the art at the time of this invention to use Mosfets as those taught by Chan in order to keep the size of the device to a minimum.

As to Claim 14, which is dependent upon claim 10, Koga does not expressly disclose the switches are semiconductors. Chan discloses the first switch and the second switch are each a semiconductor device (Figure 3, element 302, Column 5, lines 58-59). It would have been obvious to one of ordinary skill in the art at the time of this invention to use Mosfets as those taught by Chan in order to keep the size of the device to a minimum.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koga in view of Haner (US 2,819,410).

As to Claim 15, Koga discloses the circuit of claim 10. Koga does not further disclose wherein said first means for preventing electric current flow and said second means for preventing electric current flow are each comprised of an electron tube. Haner discloses a means for preventing electric current flow and said second means for preventing electric current flow are each comprised of an electron tube (Column 8, lines 55-66). It would have been obvious to a person having ordinary skill in the art at the time of this invention to use an electron tube to prevent high flow of current which could damage the circuit.

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koga in view of Munshi (US 6,645,675).

As to Claim 16, Koga discloses the circuit of claim 10. Koga does not expressly disclose wherein said electric energy storage device is a high voltage electric energy storage device with a high energy density and a high specific energy. Munshi discloses an electric energy storage device is a high voltage electric energy storage device with a high energy density and a high specific energy (Column 13 lines 1-20). It would have been obvious to a person have ordinary skill in the art at the time of this invention to use a battery such as the one taught by Munshi for the benefit of higher power and longer battery life.

Response to Arguments

10. Applicant's arguments filed 1-17-06 have been fully considered but they are not persuasive.

As to the Applicant's argument that there is not capacitive device found in the cited section of Dougherty, column 4 lines 40-4. As clearly read in the section, there is a voltage which is built up over the inductor. And according to the "Guide to Electronic Measurements and Laboratory Practice", any real inductor has a small voltage drop between neighboring coils, and thus a capacitive effect exists, and therefore it is inherently a capacitive device (Chapter 7, page 203, second paragraph). The remainder of the arguments referring to the operation of the capacitive device, stem from the argument that there is no capacitive device, and therefore moot.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Grant whose telephone number is 571-272-2727. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on 571-272-2084. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RG


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SUPERVISORY PATENT EXAMINER